

AMENDED IN SENATE JUNE 12, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2357

Introduced by Assembly Member Duvall

February 21, 2008

An act to add Section 68514 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2357, as amended, Duvall. Courts: private information.

Existing law requires the Judicial Council to adopt rules for court administration, practice, and procedure, and to perform other functions prescribed by statute, including to provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court and any other data relating to court administration.

~~This bill would provide that it is unlawful for the courts to outsource internationally any private information. The bill would require the Judicial Council to adopt rules of court and procedures to implement this provision~~ *require the Judicial Council to develop and implement policies and procedures for the protection of personal information, as defined, maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. The bill would require the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68514 is added to the Government Code,
2 to read:
3 68514. (a) The Judicial Council shall develop and implement
4 policies and procedures for the protection of personal information
5 maintained by a superior court and processed or stored by private
6 service providers, consistent with the best interests of the public.
7 As part of the process of developing these policies and procedures,
8 the council shall consider, among other things, the effect and
9 advisability of prohibiting the outsourcing of data entry services
10 outside the United States
11 (b) For purposes of this section, “personal information” means
12 an individual’s first name or first initial and last name in
13 combination with any one or more of the following data elements:
14 (1) Social security number.
15 (2) Driver’s license number or California Identification Card
16 number.
17 (3) Account number, credit or debit card number, in combination
18 with any required security code, access code, or password that
19 would permit access to an individual’s financial account.
20 (4) Medical information.
21 (5) Health insurance information.
22 (c) (1) For purposes of this section, “personal information”
23 does not include publicly available information that is lawfully
24 made available to the general public from federal, state, or local
25 government records.
26 (2) For purposes of this section, “medical information” means
27 any information regarding an individual’s medical history, mental
28 or physical condition, or medical treatment or diagnosis by a
29 health care professional.
30 (3) For purposes of this section, “health insurance information”
31 means an individual’s health insurance policy number or
32 subscriber identification number, any unique identifier used by a
33 health insurer to identify the individual, or any information in an
34 individual’s application and claims history, including any appeals
35 records.

1 SECTION 1. ~~Section 68514 is added to the Government Code,~~
2 ~~to read:~~
3 ~~68514. It is unlawful for the courts to outsource internationally~~
4 ~~any private information. The Judicial Council shall adopt rules of~~
5 ~~court and procedures to implement this section.~~

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